

Remarks

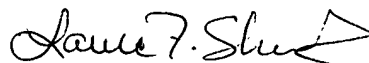
The present amendment cancels all but claims 22-27 and claim 29. Claims 22, 23, and 29 are amended to depend from new claim 54 which represents a combination of claims 19, 20 and 21. Thus, the rejection of claims under 35 USC 112, second paragraph, has been rendered moot. This leaves the rejection under 35 USC 103(a) over US Patent No. 4,762,453 to DeCaro. This reference relates to a two part fastener which is designed to fasten insulation to a tectum. The Decaro design differs from the present invention which is designed as a tissue anchor and accordingly is made from titanium, surgical grade stainless, or a bioabsorbable material. This difference extends to the head (or in DeCaro), the retaining member which is made from a thermoplastic or thermosetting material or any other material that is capable of withstanding a driving torque and which is "somewhat yieldable". (column 3, line 21-23). In addition, the DeCaro fastener has an oversized retaining member which is sized relative to the coil to spread the holding pressure over a relatively large area. Finally, the claim specifies that the head can be countersunk into the tissue, which is achieved by providing a modular head with a footprint, i.e. "tissue interface surface", that is substantially the same size as smaller than the diameter of the helical structure. This varies significantly from the DeCaro device which has an oversized retaining member that would be totally unsuitable for many delicate tissue applications.

We assume that the drawings previously submitted are agreeable with the Examiner.

Accordingly, it is submitted that the application is in condition for allowance, and notice to such effect is earnestly solicited.

Respectfully submitted,

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